

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

IN THE MATTER OF EDWARD KRAEMER  
& SONS, INC., OWNER AND/OR  
OPERATOR OF THE M/V KRAEMER,  
IN A CAUSE FOR EXONERATION FROM  
AND/OR LIMITATION OF LIABILITY,

Petitioner.

Case No. 03-CV-00594 SNL

IN ADMIRALTY

**ORDER**

Upon Motion of Petitioner Edward Kraemer & Sons, Inc., as owner and/or operator of the M/V KRAEMER, to Withdraw the Letter of Undertaking and Grant Exoneration, and upon the Stipulation for Dismissal with Prejudice filed herein by Petitioner and the sole Claimant, Dennis Kestner, and the Court having examined said Motion and Stipulation and being fully advised in the premises, the Court finds that the claim of Dennis Kestner has been fully compromised and settled, that the parties have stipulated and agreed to the dismissal of that claim with prejudice, that the parties have further stipulated and agreed that this Court may enter its Order allowing Edward Kraemer & Sons, Inc. exoneration from liability as prayed for in its Complaint, that Edward Kraemer & Sons, Inc. has agreed to a payment in settlement to Dennis Kestner in the amount of \$475,000.00, that the Court having determined that said amount may be paid from the limitation of liability fund created in this proceeding, allowing the payment, and that there are no other claimants to make a claim against this fund, thereby allowing the Letter of Undertaking submitted herein to be withdrawn.

IT IS THEREFORE ORDERED that the claim of Dennis Kestner brought against the Petitioner herein is hereby dismissed with prejudice, Edward Kraemer & Sons, Inc. is granted exoneration from liability as prayed for in its Complaint, the disbursement of funds in the

limitation fund is approved, the Letter of Undertaking is withdrawn, and this action is dismissed with prejudice.

Dated this 21<sup>st</sup> day of November 2005.

  
United States District Judge